THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.13694 OF 1997

DATED: 10-04-2007

Between:

T.L. Narayana

.. Petitioner

and

The Vice Chairman & Managing Director, APSRTC, Musheerabad, Hyderabad and another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.13694 OF 1997

ORDER:

This writ petition is filed seeking a mandamus –

i) declaring the action of the respondents in not regularizing the petitioner's services with effect from the date of his initial appointment i.e. 28.04.1983, as illegal and arbitrary; and

ii) to direct the respondents to regularize his services as Conductor with effect from the date of his initial appointment i.e. 28.04.1983 and fix his pay accordingly, duly granting annual increments.

It is the case of the petitioner that he was appointed as Conductor in the A.P. State Road Transport Corporation (for short 'the APSRTC'), with effect from 28.04.1983, in a regular vacancy, having been sponsored by Employment Exchange and interviewed by a properly constituted selection committee. But, in the office order, it was mentioned that he was appointed on contract basis. In fact, there is no such provision for appointment on contract basis in A.P.S.R.T.C. Regulations. His services ought to have been regularized with effect from the date of his appointment i.e. 28.04.1983. But, in spite of his repeated representations, the respondents did not consider the same. As per the Circular No.ED/134/85, dated 23.11.1988, issued by the 1st respondent, all those Conductors and Drivers, who were appointed on

contract basis, are entitled for regularization of their service from the date of their joining duty. The services of some similarly situated persons were regularized with effect from the date of their appointment by the respondents; whereas the petitioner was not extended the said benefit. Having been appointed by following all the rules and regulations and posted against a regular vacancy, and discharging the duties of a regular Conductor in nature, he is entitled for regularization of his services with effect from the date of his initial appointment i.e. 28.04.1983. Hence, this writ petition.

In the counter-affidavit filed on behalf of the respondents, it was categorically asserted that the petitioner was engaged on contract basis and, thereafter, his services were terminated with effect from 20.07.1983 for his involvement in cash and ticket irregularities. Later, he was re-engaged on 16.01.1987 without benefit of his past service. But, again he was removed from service on 30.03.1988 and was reinstated into service on 01.04.1991, on daily wage basis, pursuant to an award passed in I.D.No.540 of 1989 by the Labour Court. However, subsequently his services were regularized with effect from 23.10.1991 in a regular vacancy under Regulation 17 of A.P.S.R.T.C. (Recruitment) Regulations.

This writ petition is in the nature of speculative litigation. Admittedly, the petitioner's services were terminated on 20.07.1983 and when he was re-engaged on 16.01.1987, it was made clear that, as per the existing rules, his past service on daily wages will not be taken into consideration. Further, after reinstatement, when he was removed from service again on 30.03.1988, he raised an Industrial Dispute, being I.D.No.540 of 1989, and the same was answered in his favour directing the management to reinstate him on daily wage basis. Accordingly, he was reinstated. Thereafter, his services were

regularized with effect from 23.10.1991.

In view of the above, I am of the opinion that the petitioner is not entitled for regularization of his services from the date of his initial appointment and I see no grounds to grant the relief as sought for in this writ petition. The writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

C.V. RAMULU, J

10th April, 2007.
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